

UNITED STATES DISTRICT COURT

Eastern

District of

Pennsylvania

Theresa Marie Simeone, et al

V.

Bombardier-Rotax GmbH, et al

Case Number: 02CV4852

Judgment having been entered in the above entitled action on 10/24/2005 against defendant,
the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ <u>1,044.50</u>
Fees for service of summons and subpoena	<u>5,765.52</u>
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	<u>10,520.83</u>
Fees and disbursements for printing	<u>14,446.06</u>
Fees for witnesses (itemize on reverse side)	<u>8,218.00</u>
Fees for exemplification and copies of papers necessarily obtained for use in the case	<u></u>
Docket fees under 28 U.S.C. 1923	<u></u>
Costs as shown on Mandate of Court of Appeals	<u></u>
Compensation of court-appointed experts	<u></u>
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	<u></u>
Other costs (please itemize)	<u>8,484.44</u>
TOTAL	\$ <u>48,479.35</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: All Counsel of Record

Signature of Attorney:

Name of Attorney: Alan D. MattioniFor: Plaintiffs Theresa Marie Simeone and Mary Ann LengyelDate: 11/3/2005

Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

By:

Deputy Clerk

Date

Clerk of Court

NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Donald Sommer 352 Balsam Lane, Boulder, CO 80403	2	80.00	1	250.00	2,003.00		\$2,333.00
Herbert Newbold 1436 Main Street, Louisville, CO 80027	3	120.00	3	375.00	2,401.00		\$2,896.00
Manuel Raefsky 17851 N. Silverdale Court, Surprise, AZ 85374	2	80.00	2	250.00	1,527.40		\$1,857.40
Mark Seader 737 McGraw Circle, Fort Collins, CO 80526	1	40.00	1	125.00	766.60		\$931.60
Ronald Madison, 1517 KBS Road, York County, PA	1	40.00			160.00		\$200.00
							\$0.00
							\$8,218.00

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

Itemization of Simeone/Lengyel Costs**Fees for the Clerk**

Prothonotary, CCP (Filing Fee – Complaint)	581.50
Clerk of Court (Filing Fee – Complaint)	150.00
Prothonotary, CCP (Motions Filing Fee, 12/11/02)	90.00
Prothonotary, CCP (Certification and Letters Rogatory, 1/9/03)	30.00
Prothonotary, CCP (Motion Appt. Internat'l Process Server, 6/11/03)	30.00
Prothonotary, CCP (Motion for Extraordinary Relief, 1/30/04)	30.00
Prothonotary, CCP (Motion for Extraordinary Relief (2), 4/5/04)	30.00
Prothonotary, CCP (Motion for Recon of Interlocutory Order, 5/27/04)	30.00
Prothonotary, CCP (Motion for Extraordinary Relief, 8/5/04)	30.00
Prothonotary, CCP (Motion Court, 8/6/04)	30.00
United States District Court (Letters Rogatory)	13.00
	1044.50

Fees for Summons and Subpoenae

USPS (Internat'l Registered Mail Service of Summons and Complaint)	67.35
B&R (Attempted Svc of Summons and Complaint)	90.00
B&R (Service of Complaint)	75.00
Florida Secretary of State (Svc of State Court Complaint)	8.75
Florida Secretary of State (Svc of Federal Court Complaint)	8.75
Robert Lutren (Svc of Federal Court Complaint)	130.00
Sheriff, Berks County (Svc of State Court Complaint)	25.38
Merritt & Loew (Svc of First Energy Summons and Complaint)	70.00
Allen Bryant & Assoc. (Svc of Interplane LLC Summons and Complaint)	100.00
Allen Bryant & Assoc. (Svc of Interplane USA LLC Summons and Complaint)	100.00
Allen Bryant & Assoc. (Svc of Interplane USA Inc. Summons and Complaint)	100.00
Allen Bryant & Assoc. (Svc of Federal Summons and Complaint)	150.00
Allen Bryant & Assoc. (Svc of Lockwood Aviation, Inc. Subpoena)	101.00
Allen Bryant & Assoc. (Svc of Lockwood Aviation Supply Subpoena)	101.00
Allen Bryant & Assoc. (Svc of Lockwood Aviation Repair Subpoena)	101.00
Allen Bryant & Assoc. (Svc of Phillip John Lockwood Subpoena)	101.00
Interceptor (Attempted Svc of Calif. Power Systems Subpoena)	65.00
Interceptor (Svc of Calif. Power Systems Subpoena)	65.00
Interceptor (Svc of Michael Stratman Subpoena)	95.00
Esquire Deposition Service (Svc of Rini Marine Sales Subpoena)	115.00
Esquire Deposition Service (Svc of Saylor Honda Seadoo Subpoena)	145.00
Esquire Deposition Service (Svc of Barris Supply Subpoena)	127.50
Esquire Deposition Service (Svc of Conneaut Lake Naviagation Co. Subpoena)	157.50
Esquire Deposition Service (Svc of M.R. Moody Sales & Service Subpoena)	145.00
Esquire Deposition Service (Svc of Super City Sports & Sales Subpoena)	145.00
Esquire Deposition Service (Svc of Solomon Chrysler/Plymouth Subpoena)	145.00
Esquire Deposition Service (Svc of Banik's Sales & Service Subpoena)	145.00

Esquire Deposition Service (Svc of AJ's Subpoena)	183.00
Esquire Deposition Service (Svc of Action Equipment Subpoena)	183.00
Esquire Deposition Service (Svc of Lombard Motor Sales Subpoena)	90.00
Esquire Deposition Service (Svc of Bob Thomas Honda/Kawasaki Subpoena)	145.00
Esquire Deposition Service (Svc of Dave Repair Service Subpoena)	281.60
Esquire Deposition Service (Svc of Motorsports Cycle Shop Subpoena)	281.60
Esquire Deposition Service (Svc of Kurtz Kawasaki Sno-Jet Subpoena)	183.00
Esquire Deposition Service (Svc of Larry Troutman Auto Mart Subpoena)	183.00
Esquire Deposition Service (Svc of Sport N Turf Subpoena)	75.00
Esquire Deposition Service (Svc of Sport Cycle Suzuki Sea Doo Subpoena)	75.00
Esquire Deposition Service (Svc of Horn's Outdoor Center Subpoena)	150.00
Esquire Deposition Service (Svc of Whitehall Turf Equipment Subpoena)	75.00
Esquire Deposition Service (Svc of Leisure Equipment Subpoena)	75.00
Esquire Deposition Service (Svc of Smith Marine Subpoena)	75.00
Esquire Deposition Service (Svc of Highway Marine Services Subpoena)	75.00
Esquire Deposition Service (Svc of Pasch Marine Service Subpoena)	75.00
Esquire Deposition Service (Svc of Wm. Dinbokowitz Marine Subpoena)	135.00
Paquette & Associes (Svc of Bombardier Inc. Subpoena)	75.19
Thomas L. Edgell & Assoc. (Svc of Bergfelt Racing Enterprises Subpoena)	174.42
Talley's Legal Service (Svc of Karbz Inc. Subpoena)	115.00
Ronald Madison (Witness Fee/Reimbursement)	240.00
Bergfelt Racing Enterprises (Witness Fee)	41.48
Mark Bergfelt (Witness Reimbursement)	100.00
	5765.52

Court Reporter Fees

James DeCrescenzo Reporting (Dep of D. Sommer)	657.20
James DeCrescenzo Reporting (Dep of H. Newbold)	371.60
James DeCrescenzo Reporting (Dep of M. Raefsky)	421.30
James DeCrescenzo Reporting (Dep of R. Fuess, Vol. 1)	327.75
James DeCrescenzo Reporting (Dep of R. Fuess, Vol. 2)	116.00
James DeCrescenzo Reporting (Dep of W. Losey)	558.50
James DeCrescenzo Reporting (Dep of R. Madison)	181.00
James DeCrescenzo Reporting (Deps of M. Lengyel and T. Simeone)	557.00
James DeCrescenzo Reporting (Dep of M. Ruff)	127.05
James DeCrescenzo Reporting (Dep of J. Yatsko)	573.90
James DeCrescenzo Reporting (Dep of T. McCandless)	219.25
Esquire Deposition Services (Dep of B. Dawson)	386.05
Esquire Deposition Services (Dep of M. Bergfelt)	685.50
McCorkle Court Reporters (Dep of R. Mandarino)	248.45
Jean E. Dolan Associates (Dep of M. Seader)	264.00
Barkley Court Reporters (Dep/DVD of K. Orloff)	1,003.50
Mickey Dinter (Reimb. For Travel to Montreal for Dep of J. Fuerlinger)	171.61
USAir (M. Dinter to Montreal for Dep of J. Fuerlinger)	890.65
Nat Douget Court Reporter (Dep of J. Fuerlinger)	1,410.52

Nat Douget Court Reporter (Dep of J. Fuerlinger/Reporter's Expenses)	800.00
Ruth Meanor McMahon, RPR (Dep of C. Ferland)	550.00
	10,520.83

**Fees for Exemplification and Copies of Papers
Necessarily Obtained for Use in the Case**

Conant (DVD Duplication)	64.20
Conant (DVD Creation)	481.50
Conant (Scan/CD Creation/Color blowbacks)	350.16
Conant (CD Duplication)	33.60
Conant (Photocopies)	894.69
Conant (Photocopies)	868.80
Conant (Photocopies)	19.26
Conant (Photocopies)	77.04
Conant (Photocopies)	176.55
Conant (Trial Exhibit)	51.68
Conant (Photocopies)	24.40
Conant (Photocopies)	78.11
Conant (Photocopies)	52.22
Conant (Photocopies)	13.05
Conant (Photocopies)	86.88
Conant (Photocopies)	52.22
Conant (Photocopies)	541.79
Conant (Photocopies)	9.63
Conant (Photocopies)	2,361.00
Conant (Photocopies)	418.69
Conant (Photocopies)	197.25
Conant (Photocopies)	17.28
Conant (Photocopies)	12.84
Conant (Photocopies)	70.88
Conant (Photocopies)	12.48
Conant (Photocopies)	34.56
Conant (Photocopies)	73.62
Conant (Photocopies)	26.66
Conant (Trial Exhibit)	143.49
Conant (Trial Exhibit)	271.78
Reliable Copy Service	160.50
Rittenhouse Camera (Photographs)	16.67
Rittenhouse Camera (Photographs)	68.33
William Geigert (Lengyel Photo Scanning/Editing/DVD)	112.50
William Geigert (Simeone Photo Scanning/Editing/DVD)	200.00
Raynes McCarty (Photocopies)	272.00
The Wolk Law Firm (Photocopies: 40,665 @ \$.15/copy)	6,099.75
	14,446.06

Other Costs

Considine & Zawadzka (Translation Services)	450.00
Serve-Em.com (Translation of Letters Rogatory)	260.00
DOT/FAA (Airman File re George Lengyel)	2.40
Air Data Research (FAA Database Search)	225.00
Jerry Hall (Aircraft Model)	2,437.50
Anglin Aircraft Recovery (Storage of Wreckage, Dec. 2001-Sept. 2005)	4,533.30
AeroScope (Exemplar Fuel Pump)	276.24
AeroScope (Aerial Photograph of York Airport)	300.00
	8,484.44